

111TH CONGRESS
1ST SESSION

S. _____

To restore forest landscapes in the State of Oregon, to protect old growth and older mature forests in the State, and to manage national forests in the State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restore forest landscapes in the State of Oregon, to protect old growth and older mature forests in the State, and to manage national forests in the State, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Oregon Forest Restoration and Old Growth Protection
6 Act of 2009”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. Forest management.
- Sec. 5. Restoration projects.
- Sec. 6. Expedited administrative review of other restoration projects.
- Sec. 7. Applicability with respect to Oregon and California grant land.
- Sec. 8. Biomass.
- Sec. 9. Monitoring.
- Sec. 10. Local and rural contracting.
- Sec. 11. Existing timber sales contracts.
- Sec. 12. Effect.
- Sec. 13. Authorization of appropriations.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to conserve and restore forests of the State;

4 (2) to create an immediate, predictable, and
5 sustainable timber flow to support locally based res-
6 toration economies;

7 (3) to make forests of the State more resilient
8 to the impacts of climate change and reduce releases
9 of carbon that result from uncharacteristic wildfires;

10 (4) to protect and restore old growth and older
11 mature forest stands and trees in the State, particu-
12 larly recognizing fundamental differences in strate-
13 gies for forests and trees on moist forest sites and
14 dry forest sites;

15 (5) to expedite actions to conserve and restore
16 forests in the State that achieve ecological objectives
17 and provide economic and social benefits;

1 (6) to promote collaboration in communities of
2 the State to support natural resource- and restora-
3 tion-based economies;

4 (7) to plan for managing plantations on Matrix
5 land for sustained timber production;

6 (8) to streamline administrative processes for
7 ecologically based projects in the State that result in
8 improved forest conditions;

9 (9) to conserve and restore aquatic systems and
10 watersheds in the State;

11 (10) to prioritize and strategically target res-
12 toration projects in old growth and older mature for-
13 est stands in the State with uncharacteristic fuel
14 buildups to improve fire resiliency;

15 (11) to authorize forest restoration projects
16 that retain and build on the Northwest Forest Plan;

17 (12) to provide periodic independent review of
18 agency programs in carrying out this Act;

19 (13) to recognize that the threat to forest
20 health and rural economies has reached an emer-
21 gency status; and

22 (14) to ensure that Federal land managers in
23 the State are good neighbors to private landowners.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ACTIVE MANAGEMENT.—The term “active
2 management” means management of forest land in
3 a manner that achieves or promotes desired forest
4 restoration objectives using techniques such as
5 thinning, prescribed burning, and wildland fire use.

6 (2) ADAPTIVE MANAGEMENT AREA.—The term
7 “Adaptive Management Area” means an area within
8 the approximately 1,500,000 acres of land des-
9 ignated under the Northwest Forest Plan for the de-
10 velopment and testing of innovative technical and so-
11 cial approaches to achieve desired ecological, eco-
12 nomic, and other social objectives and promote
13 learning.

14 (3) AQUATIC CONSERVATION STRATEGY.—The
15 term “Aquatic Conservation Strategy” means a
16 strategy to maintain and restore the ecological integ-
17 rity of an aquatic ecosystem across a landscape (in-
18 cluding the strategy implemented under the North-
19 west Forest Plan) that includes—

20 (A) the maintenance, restoration, or en-
21 hancement of aquatic and riparian ecosystems
22 and dependent resources on land along perma-
23 nently flowing streams, ponds, lakes, wetland,
24 seeps, springs, intermittent streams, and unsta-

1 ble sites that influence the ecological func-
2 tioning of the aquatic ecosystem;

3 (B) a network of watersheds selected to
4 serve, or with the potential to serve, as res-
5 ervoirs for important aquatic resources with an
6 emphasis on retention and restoration of those
7 resources;

8 (C) a process for characterizing geo-
9 morphic and ecological processes operating in
10 specific watersheds that provides a basis for—

11 (i) developing watershed-scale restora-
12 tion strategies;

13 (ii) determining desired conditions;

14 and

15 (iii) adjusting the boundaries of ripar-
16 ian management zones;

17 (D) an integrated approach to recovery of
18 watershed functions and related physical, bio-
19 logical, and chemical processes in cases in
20 which the functions and processes have been de-
21 graded; and

22 (E) a strategic assessment of ecological
23 trends and the implementation and effectiveness
24 of management activities.

1 (4) BASAL AREA.—The term “basal area”
2 means the cross-sectional area of all stems in a for-
3 est stand measured at breast height and expressed
4 as per unit of land area.

5 (5) COVERED AREA.—The term “covered area”
6 means any area of the State that is managed by—

7 (A) the Chief of the Forest Service; or

8 (B) the Bureau of Land Management.

9 (6) DRY FOREST SITE.—The term “dry forest
10 site” means a site characterized by—

11 (A) ponderosa pine, Oregon white oak,
12 Douglas fir, grand fir, white fir, jeffrey pine, or
13 incense cedar plant associations, inter alia; and

14 (B) a low- or mixed-severity disturbance
15 regime that commonly resulted in a forest stand
16 that—

17 (i) is dominated by large pioneer
18 trees; and

19 (ii) consists of a fine-scale, low-con-
20 trast structural patchwork containing a
21 mixture of young, mature, and old growth
22 trees.

23 (7) ECOLOGICAL FORESTRY.—The term “eco-
24 logical forestry” means forest practices that—

1 (A) are based on principles of natural for-
2 est stand development, including the role of
3 natural disturbances in the initiation, develop-
4 ment, and maintenance of a forest ecosystem;

5 (B) operate on a temporal scale consistent
6 with the recovery of desired structures and
7 processes;

8 (C) include—

9 (i) retention of structural elements of
10 a forest at the time of a regeneration
11 method harvest;

12 (ii) manipulation of an established
13 forest stand to develop the forest stand to
14 achieve desired structural and
15 compositional conditions, such as by vari-
16 able density thinning and prescribed burn-
17 ing; and

18 (iii) determination of return intervals
19 for activities based on recovery periods for
20 key structures and processes;

21 (D) typically incorporate spatial consider-
22 ations, including heterogeneity, from the scale
23 of individual structures (such as logs) within
24 forest stands and up to a landscape scale; and

1 (E) are typically planned, implemented,
2 and evaluated on a landscape scale that—

3 (i) incorporates knowledge developed
4 from the study of pattern and ecological
5 functions in natural landscapes; and

6 (ii) includes consideration of land-
7 scape components of exceptional signifi-
8 cance, such as aquatic features and early-
9 successional and other communities within
10 forest landscapes.

11 (8) ECOLOGICALLY SUSTAINABLE FOREST
12 STANDS AND LANDSCAPES.—The term “ecologically
13 sustainable forest stands and landscapes” means
14 forest stands and landscapes that—

15 (A) maintain characteristic biodiversity
16 and ecological processes; and

17 (B)(i) are less prone to intense disturb-
18 ances (such as wildfire, insect epidemics, and
19 severe storms); and

20 (ii) are better able to resist those disturb-
21 ances when the disturbances occur.

22 (9) EMERGENCY.—The term “emergency”
23 means the state of a fire-suppressed forest that is at
24 risk of a catastrophic fire.

1 (10) FOREST STAND.—The term “forest stand”
2 means a contiguous area of trees that are suffi-
3 ciently uniform in composition, constitution, age,
4 spatial arrangement, structure, or condition to be
5 distinguishable as a unit.

6 (11) KEEN CLASS.—The term “Keen class”
7 means a forestry classification of ponderosa pine
8 trees based on the age and vigor of the tree, as de-
9 scribed in the article authored by Paul Keen that is
10 contained in the periodical entitled “Journal of For-
11 estry” and published in 1943.

12 (12) LANDSCAPE SCALE.—The term “landscape
13 scale” means a scale that—

14 (A) applies to a large geographic area that
15 is normally measured in terms of a watershed
16 of approximately 25,000 acres or a subbasin of
17 approximately 1,000,000 acres;

18 (B) consists of a combination of related
19 vegetation types (such as tree species); and

20 (C) may exhibit similarities, that enable
21 land managers to develop and implement forest
22 management plans, in—

23 (i) potential natural vegetation;

24 (ii) surface features;

25 (iii) water flow or distribution;

1 (iv) natural disturbances associated
2 with flooding, wind, or fire; or

3 (v) use and release of nutrients

4 (13) LATE-SUCCESSIONAL CHARACTERISTICS.—

5 The term “late-successional characteristics” means
6 structural, compositional, and functional features of
7 forests that are commonly a part of an old growth
8 and older mature forest (such as large old growth
9 and older mature trees).

10 (14) LATE-SUCCESSIONAL RESERVES.—The

11 term “Late-successional Reserves” means approxi-
12 mately 7,400,000 acres of land covered by the
13 Northwest Forest Plan that are withdrawn from
14 management for timber production to restore a func-
15 tional, interactive, late-successional, and old growth
16 forest network over time.

17 (15) MATRIX.—The term “Matrix” means ap-

18 proximately 4,000,000 acres of Federal land covered
19 by the Northwest Forest Plan (other than reserves
20 and withdrawn areas) on which activities that are
21 part of a national forest plan or plan approved by
22 the Bureau of Land Management (including com-
23 mercial timber production) are allowed to continue
24 subject to the plan.

1 (16) MOIST FOREST SITE.—The term “moist
2 forest site” means a site are characterized by—

3 (A) western hemlock, sitka spruce, Pacific
4 silver fir, mountain hemlock, subalpine fir,
5 Shasta red fir, Tanoak, or Coast redwood plant
6 associations, inter alia; and

7 (B) infrequent high-severity, forest stand-
8 replacement disturbance regimes, or mixed-se-
9 verity events (particularly in the case of the
10 moist white fir and grand fir plant associations)
11 that occur at intervals of 1 to several centuries.

12 (17) NORTHWEST FOREST PLAN.—The term
13 “Northwest Forest Plan” means the plan that is
14 comprised of—

15 (A) the Final Supplemental Environmental
16 Impact Statement on Management of Habitat
17 for Late-Successional and Old-Growth Forest
18 Related Species Within the Range of the North-
19 ern Spotted Owl (2 volumes), dated February
20 1994;

21 (B) the Record of Decision for Amend-
22 ments to Forest Service and Bureau of Land
23 Management Planning Documents Within the
24 Range of the Northern Spotted Owl, dated
25 April 1994; and

1 (C) the Standards and Guidelines for Man-
2 agement of Habitat for Late-Successional and
3 Old-Growth Forest Related Species Within the
4 Range of the Northern Spotted Owl, dated
5 April 1994.

6 (18) OLD GROWTH.—The term “old growth”
7 means the oldest stage at which a plant community
8 is capable of existing on a site, given the frequency
9 of natural disturbance events.

10 (19) OLD GROWTH AND OLDER MATURE FOR-
11 EST STAND.—The term “old growth and older ma-
12 ture forest stand” means, with respect to a site lo-
13 cated in a covered area that—

14 (A) is covered by the Northwest Forest
15 Plan—

16 (i) in the case of a moist forest site,
17 a forest stand that has not experienced a
18 stand replacing disturbance event during
19 the 120-year period ending on the date of
20 enactment of this Act; and

21 (ii) in the case of a dry forest site, a
22 forest stand that exhibits old growth char-
23 acteristics, including structural characteris-
24 tics of pre-fire suppression forests; and

1 (B) is not covered by the Northwest Forest
2 Plan—

3 (i) a forest stand that is dominated by
4 trees the diameter of which exceed 21
5 inches measured at breast height; and

6 (ii) a forest stand that is dominated
7 by smaller ponderosa pine trees that are
8 identified as a Keen class 3 or 4.

9 (20) OLD GROWTH AND OLDER MATURE
10 TREE.—The term “old growth and older mature
11 tree” means, with respect to a site located in a cov-
12 ered area that—

13 (A) is covered by the Northwest Forest
14 Plan—

15 (i) in the case of a moist forest site,
16 a tree that is 120 years of age or older
17 measured at breast height; and

18 (ii) in the case of a dry forest site, a
19 tree that is 150 years of age or older
20 measured at breast height; and

21 (B) is not covered by the Northwest Forest
22 Plan—

23 (i) a tree the diameter of which ex-
24 ceeds 21 inches measured at breast height;
25 and

1 (ii) a smaller ponderosa pine tree that
2 is identified as a Keen class 3 or 4.

3 (21) PLANTATION.—The term “plantation”
4 means a forest stand that—

5 (A) is composed primarily of trees estab-
6 lished by planting or artificial seeding; and

7 (B) may have tree or under story compo-
8 nents that have resulted from natural regenera-
9 tion.

10 (22) REGENERATION METHOD.—

11 (A) IN GENERAL.—The term “regeneration
12 method” means a cutting procedure by which a
13 new age class of tree is created.

14 (B) INCLUSIONS.—The term “regeneration
15 method” includes—

16 (i) variable retention harvesting,
17 under which even-age cohorts are desired
18 and harvest areas are several acres or
19 more in size; and

20 (ii) selection harvesting, under which
21 multi- or uneven-age forest stands are de-
22 sired and harvest areas are small groups,
23 which would commonly include retention of
24 important structures or individual trees.

1 (C) EXCLUSION.—The term “regeneration
2 method” does not include clear cutting.

3 (23) RURAL.—The term “rural” means any
4 area of the State other than a city or town that has
5 a population of greater than 50,000 inhabitants, as
6 determined using the latest available decennial cen-
7 sus conducted under section 141(a) of title 13,
8 United States Code.

9 (24) SECRETARIES CONCERNED.—The term
10 “Secretaries concerned” means—

11 (A) the Secretary of Agriculture (acting
12 through the Chief of the Forest Service), with
13 respect to National Forest System land; and

14 (B) the Secretary of the Interior, with re-
15 spect to land managed by the Bureau of Land
16 Management (including land held for the ben-
17 efit of an Indian tribe).

18 (25) SPATIAL HETEROGENEITY.—The term
19 “spatial heterogeneity” means a nonuniform dis-
20 tribution of forest structural elements, such as trees,
21 snags, and canopy density.

22 (26) STATE.—The term “State” means the
23 State of Oregon.

24 (27) TREE.—The term “tree” includes—

1 (A) living or dead vegetation of any tree
2 species; and

3 (B) a tree bole.

4 (28) THINNING.—The term “thinning”
5 means—

6 (A) in the case of a dry forest site, the
7 thinning of trees to restore characteristic struc-
8 ture and composition and reduce overall stand
9 densities using silvicultural methods, includ-
10 ing—

11 (i) removal of trees that provide
12 ground and ladder fuels;

13 (ii) reduction of risks to older trees
14 from wildfire and competition;

15 (iii) favoring more fire and drought-
16 tolerant species; and

17 (iv) thinning to encourage develop-
18 ment of characteristic spatial heterogeneity
19 with retention of all old growth and older
20 mature trees; and

21 (B) in the case of a moist forest site, the
22 thinning of trees to create structural (including
23 multiple canopy layers) and compositional diver-
24 sity within a forest stand, including—

1 (i) thinning to encourage development
2 of characteristic spatial heterogeneity with
3 retention of all old growth and older ma-
4 ture trees;

5 (ii) the removal of smaller trees; and

6 (iii) the removal of dominant and co-
7 dominant trees when necessary to encour-
8 age the development of some plant compo-
9 nent in the understory or intermediate can-
10 opy levels.

11 (29) WILDLAND-URBAN INTERFACE.—The term
12 “wildland-urban interface” has the meaning given
13 the term in section 101 of the Healthy Forests Res-
14 toration Act of 2003 (16 U.S.C. 6511).

15 (30) YOUNG MANAGED PLANTATION.—The
16 term “young managed plantation” means a tree-
17 dominated vegetated area—

18 (A) in which human intervention, through
19 planting or intensive silvicultural treatments,
20 has yielded forest conditions that are substan-
21 tially lacking in legacy forest features; and

22 (B) that is generally a densely uniform
23 area of trees of the same age, species, spacing,
24 and size.

1 **SEC. 4. FOREST MANAGEMENT.**

2 (a) LANDSCAPE SCALE PROJECT PLANNING FOR
3 FOREST RESTORATION PROJECTS.—

4 (1) IN GENERAL.—The Secretaries concerned
5 shall use landscape scale planning for forest restora-
6 tion projects in covered areas.

7 (2) BOUNDARIES.—In defining the landscapes,
8 the Secretaries concerned shall, to the maximum ex-
9 tent practicable, use natural geographical and bio-
10 logical boundaries.

11 (3) PRIORITIZATION.—Using the best available
12 science and data, the Secretaries concerned shall
13 prioritize projects for dry forest sites and moist for-
14 est sites based on the degree to which a project
15 will—

16 (A) in the case of a dry forest site—

17 (i) minimize and reduce the risk of
18 unnaturally severe fire and insect out-
19 breaks, particularly if critical components
20 and values are at risk, including—

21 (I) communities in the wildland-
22 urban interface; and

23 (II) valuable forest structures,
24 such as old growth and older mature
25 trees, that are in danger from poten-
26 tial fire risk; and

1 (ii) restore historic structure and com-
2 position and improve fire resiliency;

3 (B) in the case of a moist forest site, accel-
4 erate development of complex forest structure
5 in a young forest that has been simplified
6 through past management, including opportuni-
7 ties to create spatial heterogeneity (such as cre-
8 ating skips and gaps) using mechanical treat-
9 ments to create wildlife habitat, while retaining
10 biological legacies (such as large standing,
11 down, live, and dead trees); and

12 (C) assist in the implementation of com-
13 munity wildfire protection plans developed by
14 at-risk communities (as those terms are defined
15 in section 101 of the Healthy Forests Restora-
16 tion Act of 2003 (16 U.S.C. 6511)).

17 (b) OLD GROWTH AND OLDER MATURE FORESTS.—

18 (1) PROHIBITION.—Effective beginning on the
19 date of enactment of this Act, subject to subsection
20 (e)(5), and except as provided in paragraph (2), the
21 Secretaries concerned shall prohibit the harvesting
22 of old growth and older mature trees, or trees within
23 old growth and older mature forest stands in moist
24 forests, in covered areas.

25 (2) EXCEPTION.—

1 (A) IN GENERAL.—Subject to subpara-
2 graphs (B) through (D), the Secretaries con-
3 cerned may authorize the infrequent, necessary,
4 and unavoidable cutting or removal of old
5 growth and older mature trees, or trees within
6 old growth and older mature forest stands, in
7 covered areas for administrative or scientific
8 purposes.

9 (B) ADMINISTRATION.—In carrying out
10 subparagraph (A), the Secretaries concerned—

11 (i) shall certify the reasons for allow-
12 ing the cutting or removal of the old
13 growth and older mature trees; and

14 (ii) may require additional public
15 input.

16 (C) COMMERCIAL SALE.—Any tree cut or
17 removed under this paragraph may not be sold
18 commercially.

19 (D) CUTTING OR REMOVING OF TREES LO-
20 CATED IN CERTAIN SITES.—With respect to any
21 site that is not covered by the Northwest Forest
22 Plan, the Secretary may authorize the infre-
23 quent, necessary, and unavoidable cutting or re-
24 moval of trees located on the site, the diameter
25 of which exceed 21 inches measured at breast

1 height, if the Secretary determines the cutting
2 or removal to be ecologically appropriate.

3 (3) PROCESS.—

4 (A) IN GENERAL.—The Secretaries con-
5 cerned shall establish a protocol to identify tree
6 age at breast height.

7 (B) FACTORS.—In establishing the pro-
8 tocol, the Secretaries concerned shall consider—

9 (i) sampling trees within stands;

10 (ii) establishing standards for use in
11 determining which stands meet age defini-
12 tions; and

13 (iii) providing review by an expert
14 panel of scientists and managers.

15 (c) INVENTORIED ROADLESS AREAS.—The Secre-
16 taries concerned may not carry out any forest restoration
17 work authorized by sections 5 and 6 in a covered area
18 inside the boundaries of an inventoried roadless area.

19 (d) AQUATIC CONSERVATION STRATEGY.—

20 (1) IN GENERAL.—The Secretaries concerned
21 shall incorporate aquatic conservation strategies into
22 forest restoration work carried out in a covered area
23 to provide and enhance watershed protection.

24 (2) APPLICABILITY.—The Aquatic Conservation
25 Strategy shall apply to each area managed in ac-

1 cordance with the Northwest Forest Plan as of the
2 date of enactment of this Act.

3 (3) DUTY OF SECRETARIES CONCERNED.—With
4 respect to a parcel of land located in a Forest Serv-
5 ice Forest or Bureau of Land Management District
6 not managed in accordance with the Northwest For-
7 est Plan as of the date of enactment of this Act, the
8 Secretaries concerned shall develop aquatic protec-
9 tion objectives with which each project developed
10 under this Act shall comply.

11 (e) SILVICULTURAL ACTIVITIES.—

12 (1) IN GENERAL.—The Secretaries concerned
13 shall require silvicultural activities in covered areas
14 in accordance with this subsection.

15 (2) THINNING.—If thinning is conducted in a
16 covered area—

17 (A) appropriate silvicultural activities shall
18 include spatially variable forest stand thinning
19 regimes that enhance forest stand structural
20 and compositional diversity and individual tree
21 development; and

22 (B) any old growth and older mature trees
23 that are encountered shall be retained and pro-
24 tected.

1 (3) MOIST FOREST SITES.—The goals of sil-
2 vicultural activities in moist forest sites in covered
3 areas shall be—

4 (A) to retain—

5 (i) old growth and older mature forest
6 stands; and

7 (ii) old growth and older mature trees
8 encountered as individuals or small groups
9 within younger forests;

10 (B) to restore large contiguous blocks of
11 forest with late-successional characteristics in
12 the Late-successional Reserves; and

13 (C) to manage young forests in Matrix and
14 Adaptive Management Areas for ecological and
15 economic objectives, including management
16 through regeneration method harvests based on
17 principles of ecological forestry.

18 (4) LATE-SUCCESSIONAL RESERVES.—In the
19 case of Late-successional Reserves in moist forest
20 sites, the Secretaries concerned shall require that sil-
21 vicultural activities be carried out in a manner
22 that—

23 (A) is designed to accelerate development
24 of late-successional structural attributes, con-
25 sistent with the Northwest Forest Plan; and

1 (B) gives the highest priority to planta-
2 tions and young forest stands established fol-
3 lowing logging.

4 (5) MATRIX AND ADAPTIVE MANAGEMENT
5 AREAS.—In the case of Matrix and Adaptive Man-
6 agement Areas in moist forest sites—

7 (A) forest stands dominated by trees under
8 120 years of age measured at breast height,
9 may be considered for silvicultural activities;

10 (B) activities may continue on trees under
11 120 years of age as of the date of enactment
12 of this Act, measured at breast height, after the
13 date on which the trees reach that age; and

14 (C) activities shall provide both ecological
15 and economic benefits and can culminate in a
16 regeneration method harvest based on ecological
17 forestry principles.

18 (6) DRY FOREST SITES.—The goals of silvicul-
19 tural activities in dry forest sites in covered areas
20 shall be—

21 (A) to retain existing old growth and older
22 mature trees;

23 (B) to initially restore ecologically sustain-
24 able forest stands and landscapes to incorporate

1 characteristic forest stand structures and older
2 tree populations;

3 (C) to retain Late-successional Reserves on
4 dry forest sites and perform acceptable treat-
5 ments within the Late-successional Reserves;

6 (D) to provide wood harvest during the
7 restoration process;

8 (E) to maintain the sustainable and fire-
9 resilient conditions described in this section in
10 perpetuity through active management, such as
11 management through prescribed fire and me-
12 chanical activities, which may include sustained
13 wood harvest; and

14 (F) to incorporate ecologically appropriate
15 spatial complexity, including appropriate levels
16 of both open and denser forest patches at both
17 the forest stand and the landscape level.

18 (7) OBJECTIVES.—The objectives of silvicult-
19 tural activities on dry forest sites in covered areas
20 shall be—

21 (A) to reduce basal areas in overstocked
22 forest stands;

23 (B) to increase the mean diameter of for-
24 est stands;

1 (C) to shift composition toward more fire-
2 and drought-tolerant species, such as ponderosa
3 pine, sugar pine, and western larch;

4 (D) to restore historical levels of within-
5 forest stand spatial heterogeneity;

6 (E) to protect existing old growth and
7 older mature trees and reduce risk from
8 uncharacteristic wildfire, disease, climate
9 change, and competition;

10 (F) to provide for restoration and mainte-
11 nance of historic population levels of older trees
12 by management of younger forest stand compo-
13 nents; and

14 (G) to restore and maintain historic popu-
15 lation levels of older trees.

16 (8) BASAL AREA.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), target levels for variables such as
19 basal area and older tree populations in covered
20 areas shall be established by individual plant
21 associations, based on historic conditions and
22 considerations relating to climate change.

23 (B) MINIMUM BASAL AREA.—The average
24 basal area of a forest stand in a covered area
25 (as determined at the forest stand level) for

1 projects carried out under sections 5 and 6 may
2 not be reduced below 35 percent of the initial
3 basal area (as determined as of the date on
4 which the restoration work in the forest stand
5 was commenced) during treatment.

6 (9) SPATIAL HETEROGENEITY.—In the case of
7 a project carried out in a dry forest site of a covered
8 area—

9 (A) the project shall be planned and imple-
10 mented at the landscape level;

11 (B) appropriate spatial complexity shall be
12 incorporated at larger spatial scales;

13 (C) the desired complexity may include
14 larger patches of dense forest, such as patches
15 that may be required for species such as the
16 Northern spotted owl and prey species;

17 (D) spatial heterogeneity shall be consid-
18 ered an essential element in restoring and sus-
19 taining dry forests and landscapes;

20 (E) restoration activities shall build on and
21 enhance existing residual spatial heterogeneity;

22 (F) extensive areas of uniform treatment
23 shall generally be inappropriate, except for cer-
24 tain treatments (including broadcast burns)

1 that are carried out to enhance the spatial het-
2 erogeneity of the dry forest site; and

3 (G) treatment and silvicultural activities
4 shall be ongoing.

5 (10) UNDERSTORY PLANTS.—Silvicultural and
6 restoration activities shall take into account under-
7 story plant community composition and condition,
8 including restoration and maintenance of native
9 ground cover and reducing the potential for exotic
10 and other invasive species.

11 (f) EVALUATIVE CRITERIA.—To determine compli-
12 ance with this Act, instead of quantitative agency targets
13 (such as Probable Sale Quantity, Allowable Sale Quantity,
14 or acres treated), the Secretary shall use qualitative cri-
15 teria such as—

16 (1) improved forest health;

17 (2) fire resilience of the area treated; and

18 (3) treatment of areas in accordance with prior-
19 ities established under this Act.

20 **SEC. 5. RESTORATION PROJECTS.**

21 (a) IN GENERAL.—Not later than 2 years after the
22 date of enactment of this Act, each Forest Service Forest
23 and Bureau of Land Management District located in a
24 covered area (excluding land not covered under section 7)

1 shall plan and initiate at least 1 pilot restoration project
2 in accordance with this section.

3 (b) ADMINISTRATIVE STREAMLINING AND AUTHORI-
4 TIES FOR RESTORATION PROJECTS.—

5 (1) IN GENERAL.—In the case of each restora-
6 tion project carried out under this section, the Sec-
7 retaries concerned shall grant categorical exclusions
8 from the requirements of the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

10 (2) EFFECT OF EXCLUSION.—A restoration
11 project described in paragraph (1) shall be presumed
12 to provide positive environmental benefits.

13 (3) OTHER LAWS.—Nothing in this subsection
14 abrogates the requirements of any environmental,
15 land use or other law.

16 (c) COVERED RESTORATION PROJECTS.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 during the term of a restoration project under this
19 section, the Secretaries concerned shall grant cat-
20 egorical exclusions under subsection (b) to carry
21 out—

22 (A) a thinning project on previously man-
23 aged forest stands, or plantations, in moist for-
24 est sites in the Douglas fir-western hemlock
25 plant association group, Matrix areas, Late-suc-

1 cessional Reserves, or Adaptive Management
2 Areas established by the Northwest Forest
3 Plan, if the project—

4 (i) uses appropriate silvicultural ac-
5 tivities, including spatially variable forest
6 stand thinning regimes that enhance forest
7 stand structural and compositional diver-
8 sity and individual tree development;

9 (ii) manages forests in Matrix and
10 Adaptive Management Areas in accordance
11 with ecological and economic objectives
12 that are based on principles of ecological
13 forestry;

14 (iii) retains any old growth and older
15 mature trees that are encountered as indi-
16 viduals or small groups within younger for-
17 est stands;

18 (iv)(I) has a basal area retention,
19 averaged at the forest stand level, that
20 equals or exceeds 35 percent of the initial
21 forest stand basal area; and

22 (II) establishes target levels for vari-
23 ables such as basal area and older tree
24 populations by individual plant associa-
25 tions;

1 (v) builds no new system roads, unless
2 the roads are to be realigned as a justifi-
3 able restoration or correction to the place-
4 ment of old system roads; and

5 (vi) applies the standards of the appli-
6 cable Aquatic Conservation Strategy;

7 (B) a thinning project (including removal
8 of ladder fuels) in order to restore resiliency
9 and historic ecosystem conditions in a dry for-
10 est site, if the project—

11 (i) shifts the composition of trees at
12 the dry forest site toward more fire- and
13 drought-tolerant species, such as pon-
14 derosa pine, sugar pine, and western larch;

15 (ii) restores historical levels of within-
16 forest stand spatial heterogeneity;

17 (iii) protects existing old growth and
18 older mature trees and seeks to retain
19 other mature trees;

20 (iv) provides for restoration and main-
21 tenance of historic population levels of
22 older trees by management of younger for-
23 est stand components;

24 (v)(I) reduces basal areas in over-
25 stocked forest stands;

1 (II) has a basal area retention, aver-
2 aged at the forest stand level, that equals
3 or exceeds 35 percent of the initial forest
4 stand basal area; and

5 (III) establishes target levels for vari-
6 ables such as basal area and older tree
7 populations by individual plant associa-
8 tions;

9 (vi) increases the mean diameter of
10 forest stands.

11 (vii) builds no new system roads, un-
12 less the roads are to be realigned as a jus-
13 tifiable restoration or correction to the
14 placement of old system roads; and

15 (viii) applies the standards of the ap-
16 plicable Aquatic Conservation Strategy;

17 (C) prescribed fire projects;

18 (D) creation of instream habitat struc-
19 tures, riparian plantings, or other stream res-
20 toration projects that—

21 (i) benefit endangered fish species;

22 and

23 (ii) do not exceed 20 miles of stream;

24 (E) replacement of culverts that—

25 (i) impede fish passage; or

1 (ii) cannot withstand a 100-year flood
2 event; or

3 (F) removal, maintenance, and repair of
4 any road located within a watershed that re-
5 sults in a net beneficial impact on watershed
6 and aquatic health.

7 (2) POST-FIRE HARVESTING PROJECT.—Noth-
8 ing in the projects and activities described in para-
9 graph (1) shall be used to develop a post-fire har-
10 vesting project.

11 (3) NET ROAD REDUCTION.—

12 (A) IN GENERAL.—In developing a
13 thinning project under subparagraph (A) or (B)
14 of paragraph (1), the Secretaries concerned
15 shall examine opportunities for, and seek to
16 achieve, net road reduction (including opportu-
17 nities for the closing and decommissioning of
18 nonessential roads in existence as of the date of
19 enactment of this Act).

20 (B) REDUCTION OF EXISTING ROADS.—

21 (i) IN GENERAL.—In decommissioning
22 and closing a nonessential road described
23 in subparagraph (A), the Secretaries con-
24 cerned shall, in accordance with 1 or more
25 strategies described in clause (ii), decom-

1 mission and close the road in a manner by
2 which to minimize, to the extent prac-
3 ticable, the hydrologic impact of the road.

4 (ii) AUTHORIZED STRATEGIES.—In
5 decommissioning and closing a non-
6 essential road described in subparagraph
7 (A), the Secretaries concerned may—

8 (I) reestablish former drainage
9 patterns, stabilize slopes, and restore
10 native vegetation;

11 (II) remove culverts, reestablish
12 drainage-ways, remove unstable fills,
13 pull back road shoulders, and scatter
14 slash on the roadbed of any decom-
15 missioned and closed road; and

16 (III) completely eliminate the
17 roadbed of the decommissioned and
18 closed road by restoring natural con-
19 tours and slopes.

20 (C) PRIORITY.—In carrying out subpara-
21 graph (A), the Secretaries concerned shall give
22 priority to nonessential roads that are most
23 likely to cause the greatest magnitude of envi-
24 ronmental harm, including—

1 (i) roads located in, or that extend
2 across, floodplains or streamside areas that
3 impede aquatic restoration objectives and
4 proper hydrologic function;

5 (ii) roads located on steep slopes, or
6 roads located in a manner that causes, or
7 are at a risk of causing, chronic sedimenta-
8 tion, road failure, landslides, or other envi-
9 ronmental or public safety concerns (in-
10 cluding roads with high densities of stream
11 crossings or with large-volume, high-risk
12 fills); and

13 (iii) roads that, if closed and decom-
14 missioned, would significantly enhance wa-
15 tershed function and wildlife habitat
16 through the restoration of large blocks of
17 habitat.

18 (d) COLLABORATION-BASED SIZE RESTRICTIONS ON
19 THINNING.—

20 (1) IN GENERAL.—In the case of a restoration
21 project described in subparagraph (A), (B), or (C)
22 of subsection (c)(1), in addition to the criteria for
23 the project established under that subparagraph, the
24 Secretaries concerned shall determine the size and

1 scope of the project in accordance with this sub-
2 section.

3 (2) COLLABORATIVE GROUP.—

4 (A) ESTABLISHMENT.—To implement a
5 restoration project described in paragraph (1),
6 the Secretaries concerned shall establish new or
7 recognize existing collaborative groups to advise
8 the Secretaries concerned on the development of
9 the project.

10 (B) DISCRETION OF SECRETARIES CON-
11 CERNED.—In carrying out subparagraph (A),
12 the Secretaries concerned may, to the extent
13 practicable, and based on the interest of the
14 public in participating in the collaborative
15 groups—

16 (i) establish new or recognize existing
17 collaborative groups for each Forest Serv-
18 ice Forest or Bureau of Land Management
19 District; or

20 (ii) combine Forest Service Forests
21 and Bureau of Land Management Districts
22 into interagency or regional groups.

23 (C) DIVERSE REPRESENTATION.—The col-
24 laborative group shall represent a range of par-

1 participants from diverse backgrounds, including
2 representatives of—

3 (i) environmental organizations;

4 (ii) timber and forest products indus-
5 try representatives;

6 (iii) labor organizations or nontimber
7 forest product harvester groups;

8 (iv) county governments; and

9 (v) the State or the local designee of
10 the State.

11 (D) PUBLIC PARTICIPATION.—The Secre-
12 taries concerned shall provide the public with
13 notice and an opportunity for comment on the
14 appointment of the collaborative group.

15 (E) EXISTING COLLABORATIVE GROUPS.—
16 The Secretaries concerned may use an existing
17 or previously established Resource Advisory
18 Committee established under the Secure Rural
19 Schools and Community Self-Determination Act
20 of 2000 (16 U.S.C. 500 note; Public Law 106–
21 393) or another previously established collabo-
22 rative as the collaborative group if—

23 (i) the representation requirements of
24 subparagraph (C) are met; and

1 (ii) the Committee or previously exist-
2 ing group—

3 (I) elects to serve as the collabo-
4 rative group; and

5 (II) provides other members of
6 public with an opportunity to partici-
7 pate in the collaborative group.

8 (F) RESTORATION PROJECT.—

9 (i) IN GENERAL.—Not later than 1
10 year after the date of enactment of this
11 Act, in accordance with clause (ii), each
12 collaborative group shall develop a restora-
13 tion project approved by the collaborative
14 group.

15 (ii) REQUIREMENT.—To qualify as a
16 collaborative group restoration project, the
17 collaborative group shall reach consensus
18 on the restoration project by a date that is
19 not later than 1 year after the date of en-
20 actment of this Act.

21 (G) COLLABORATIVE CERTIFICATION.—In
22 order to establish that collaboration has been
23 reached, the collaborative group shall issue a
24 collaborative certification to the Secretaries con-
25 cerned once—

- 1 (i) a $\frac{3}{4}$ majority of the collaborative
2 group votes for the project; and
3 (ii) at least 1 representative of each of
4 the groups described in clauses (ii) through
5 (v) of subparagraph (C) votes for the
6 project.

7 (3) CERTIFICATION GRANTED.—

8 (A) IN GENERAL.—If the collaborative
9 group issues a collaborative certification for the
10 restoration project, the Secretaries concerned
11 may carry out the project in accordance with
12 subsection (b) and subparagraph (B).

13 (B) PROJECT.—Under the project, the
14 Secretary may use any of the methods described
15 in subsection (c)(1) on not more than 25,000
16 gross acres as a project boundary within a cov-
17 ered area to remove, on any site located in a
18 covered area that—

19 (i) is covered by the Northwest Forest
20 Plan—

21 (I) in the case of a moist forest
22 site, trees that are not more than 120
23 years of age measured at breast
24 height; and

1 (II) in the case of a dry forest
2 site, trees that are not more than 150
3 years of age measured at breast
4 height; and

5 (ii) is not covered by the Northwest
6 Forest Plan—

7 (I) trees the diameter of which
8 are less than 21 inches measured at
9 breast height; and

10 (II) ponderosa pine trees that are
11 not identified as a Keen class 3 or 4.

12 (4) CERTIFICATION NOT GRANTED.—

13 (A) IN GENERAL.—If the collaborative
14 group does not issue a collaborative certification
15 for the restoration project, the Secretaries con-
16 cerned may carry out the project in accordance
17 with subsection (b) and subparagraph (B).

18 (B) PROJECT.—Under the project, the
19 Secretary may use any of the methods described
20 in subsection (c)(1) on not more than 10,000
21 acres of a covered area to thin, on any site lo-
22 cated in a covered area that—

23 (i) is covered by the Northwest Forest
24 Plan—

1 (I) in the case of a moist forest
2 site, trees that are not more than 120
3 years of age measured at breast
4 height; and

5 (II) in the case of a dry forest
6 site, trees that are not more than 150
7 years of age measured at breast
8 height; and

9 (ii) is not covered by the Northwest
10 Forest Plan—

11 (I) trees the diameter of which
12 are less than 21 inches measured at
13 breast height; and

14 (II) ponderosa pine trees that are
15 not identified as a Keen class 3 or 4.

16 (e) OBSERVER PROGRAM.—

17 (1) IN GENERAL.—The Secretaries concerned
18 shall establish an observer program for projects car-
19 ried out under this section to verify that—

20 (A) no trees older than the limiting age es-
21 tablished under this Act have been cut, other
22 than a de minimis quantity of 1 percent of the
23 old growth and older mature trees of a project
24 area; and

1 (B) no trees within an inventoried roadless
2 area were cut.

3 (2) CONTRACTS WITH OBSERVERS.—The Secre-
4 taries concerned, acting through the Inspectors Gen-
5 eral of the Department of Agriculture and the De-
6 partment of the Interior, shall enter into contracts
7 with observers to review the projects carried out
8 under this section.

9 (3) CRITERIA.—The Secretaries concerned shall
10 develop criteria to make the verifications described
11 in paragraph (1).

12 (4) ASSESSMENT.—On completion of a project
13 carried out under this section, an observer shall—

14 (A) assess the project to determine wheth-
15 er the project complied with paragraph (1); and

16 (B) if the observer determines that the
17 project complied with paragraph (1), issue a
18 certification of compliance.

19 (5) PUBLIC AVAILABILITY.—As soon as prac-
20 ticable after the review is completed, the Secretaries
21 concerned shall—

22 (A) ensure that the results of the assess-
23 ment are available for public inspection; and

24 (B) post the results on the websites of the
25 Secretaries concerned.

1 (6) REVIEW BY INSPECTORS GENERAL.—

2 (A) IN GENERAL.—As soon as practicable
3 after the review of a project carried out under
4 this section is completed, the Secretaries con-
5 cerned, acting through the Inspectors General
6 of the Department of Agriculture and the De-
7 partment of the Interior and in consultation
8 with agency scientists, shall review the overall
9 success of the projects, taking into account the
10 success in meeting the project criteria and each
11 purpose and objective of this Act.

12 (B) LARGE PROJECT AREAS.—In the case
13 of a large project area (including a project area
14 that covers more than 10,000 acres), the Secre-
15 taries concerned may conduct the review re-
16 quired under subparagraph (A) by evaluating a
17 sample of the project sites.

18 (C) PUBLIC AVAILABILITY.—The Secre-
19 taries concerned shall post the results of the re-
20 view on the websites of the Secretaries con-
21 cerned.

22 (D) CERTIFICATION OF COMPLIANCE.—If
23 the Secretaries concerned, acting through the
24 Inspectors General of the Department of Agri-
25 culture and the Department of the Interior, cer-

1 tify that the project carried out under this sec-
2 tion complies with paragraph (1) and received
3 an observer certification of compliance, the Sec-
4 retaries concerned may increase the size of the
5 next pilot project size carried out by the local
6 Forest Service Forest or Bureau of Land Man-
7 agement District certified under this subpara-
8 graph by not more than 50 percent, except that
9 the size of any project under this section may
10 not exceed 50,000 acres.

11 (7) NONCOMPLIANCE.—If an observer finds
12 that more than 3 percent of the quantity of old
13 growth and older mature trees of a project area were
14 cut under a project carried out under this section,
15 the local Forest Service Forest or Bureau of Land
16 Management District that carried out the project
17 shall be ineligible to carry out a project under this
18 section for a period of 2 years.

19 (8) FUNDING.—The Secretaries concerned shall
20 use project funds that have been provided to the
21 local Forest Service Forest or Bureau of Land Man-
22 agement District to carry out this subsection.

23 (f) PUBLIC INVOLVEMENT AND APPEALS.—

24 (1) IN GENERAL.—The Secretaries concerned
25 shall, to the maximum extent practicable, encourage

1 public participation with respect to a project carried
2 out under this section, including (if practicable)
3 through collaborative processes and opportunities for
4 the public to make comments to assist in defining
5 the project before a specific project announcement is
6 issued.

7 (2) COMMENT PERIOD.—The public may pro-
8 vide comments relating to the project during the 30
9 day-period beginning on the date the Secretaries
10 concerned issue a proposed project decision.

11 (3) REVIEW PERIOD.—The Secretaries con-
12 cerned shall review any public comments received
13 during the 15 day-period beginning after the end of
14 the public review period before publishing a final de-
15 cision.

16 (4) ADMINISTRATIVE APPEALS.—An adminis-
17 trative appeal of a final decision of the Secretaries
18 concerned relating to the project may not be allowed.

19 (5) OBJECTIONS.—

20 (A) IN GENERAL.—The Secretaries con-
21 cerned shall establish an objection process for
22 projects under this section that allows only for
23 objections based on whether the project meets
24 the specific criteria that made the eligible to be
25 carried out under this section.

1 (B) OBJECTION PERIOD.—The public may
2 make objections under the process for a period
3 of at least 15 days.

4 (C) CONSIDERATION BY SECRETARIES
5 CONCERNED.—The Secretaries concerned shall
6 consider, and attempt to resolve with the objec-
7 tor, each objection made under subparagraph
8 (B).

9 (D) LACK OF RESOLUTION.—If the Secre-
10 taries concerned and the objector are unable to
11 reach a resolution, the objector may attempt to
12 resolve the dispute only in a subsequent court
13 action.

14 (g) ADMINISTRATIVE COSTS FOR RESTORATION
15 PROJECTS.—The amount of administrative funds paid to
16 the regional and national offices of the Secretaries con-
17 cerned to carry out a project under this section may not
18 exceed 3 percent of the total costs of carrying out the
19 project.

20 **SEC. 6. EXPEDITED ADMINISTRATIVE REVIEW OF OTHER**
21 **RESTORATION PROJECTS.**

22 (a) IN GENERAL.—Administrative review of thinning
23 and restoration activities that are carried out in accord-
24 ance with section 4 within the State, but that are not part

1 of a restoration project carried out under section 5, shall
2 be carried out in accordance with this section.

3 (b) ADMINISTRATIVE APPEALS.—A member of the
4 public may seek an administrative appeal of an activity
5 described in subsection (a) only if the member of the pub-
6 lic was involved in the public comment or collaborative
7 process for the activity.

8 (c) TIMELINES.—

9 (1) PRE-DECISIONAL PROTESTS.—A member of
10 the public may file a pre-decisional protest con-
11 cerning an activity described in subsection (a) dur-
12 ing the 30 day-period beginning on the date of re-
13 lease of an environmental impact statement or simi-
14 lar analysis required under the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
16 for the activity.

17 (2) REVIEW AND ISSUANCE.—The Secretaries
18 concerned shall—

19 (A) review comments and protests received
20 for the activity; and

21 (B) issue a decision.

22 (3) ADMINISTRATIVE APPEALS.—A member of
23 the public may make an administrative appeal of a
24 final decision of the Secretaries concerned during

1 the 30 day-period beginning on the date of the
2 issuance of the final decision.

3 (d) JUDICIAL REVIEW.—Nothing in this Act impacts
4 or alters the ability to seek judicial review of an action
5 of the Secretaries concerned.

6 **SEC. 7. APPLICABILITY WITH RESPECT TO OREGON AND**
7 **CALIFORNIA GRANT LAND.**

8 (a) IN GENERAL.—Subject to subsection (b), Oregon
9 and California grant land shall be covered under this Act.

10 (b) WITHDRAWAL.—Each parcel of Oregon and Cali-
11 fornia grant land that is located within a Bureau of Land
12 Management District shall be withdrawn from coverage
13 under this Act with respect to the old growth and older
14 mature growth protection under this Act if—

15 (1) in the case of trees the ages of which are
16 measured at breast height, the trees are—

17 (A) with respect to an Adaptive Manage-
18 ment Area or a Matrix land, between 120 and
19 160 years, as of the date of enactment of this
20 Act; and

21 (B) with respect to Late-successional Re-
22 serves, between 120 and 160 years; and

23 (2) in the case of trees within old growth and
24 older mature forest stands, if the stand age is great-
25 er than 120 and less than 160 years of age, as de-

1 terminated by a calculation of the ages of the trees
2 that dominate the forest stand.

3 (c) EFFECT.—

4 (1) IN GENERAL.—The Secretary of the Inte-
5 rior may not harvest any tree located in an Oregon
6 and California grant land withdrawn under sub-
7 section (b) that, as of the date of enactment of this
8 Act, is older than 160 years, measured at breast
9 height, in—

10 (A) a Late-successional Reserve;

11 (B) a Matrix area; or

12 (C) an Adaptive Management Area.

13 (2) EFFECT OF WITHDRAWAL.—The with-
14 drawal made under paragraph (1)—

15 (A) does not affect or alter any of the re-
16 quirements or limitations on projects under-
17 taken under the sections 5 and 6; and

18 (B) is not intended to change any other re-
19 quirements under the Northwest Forest Plan,
20 endangered species plans, or environmental
21 laws.

22 **SEC. 8. BIOMASS.**

23 (a) IN GENERAL.—The Secretaries concerned shall
24 take such actions as are necessary to further enhance en-

1 ergy generation from woody biomass, particularly when
2 the actions are combined with forest restoration projects.

3 (b) REGIONAL BIOMASS PROJECTS.—

4 (1) IN GENERAL.—On a determination by the
5 Secretaries concerned that forest conditions and
6 commercial interests indicate a demand for estab-
7 lishing a regional biomass project, the Secretaries
8 concerned may designate an area within which—

9 (A) the removal of trees is necessary to re-
10 duce the risk of catastrophic fire and restore
11 native forest conditions; and

12 (B) in which a sufficient volume of mate-
13 rial is expected to be sustainably available to
14 support a 20 year-lifespan of a biomass plant.

15 (2) VOLUME ESTIMATE.—The Secretaries con-
16 cerned shall develop an estimate of the volume of
17 biomass that can be supplied sustainably on a con-
18 tractual basis over the term of a 20 year-contract.

19 (3) CONTRACTS.—The Secretaries concerned
20 may enter into a contract to supply biomass over a
21 term of 20 years, with the option of making adjust-
22 ments after a period of 10 years based on supply
23 conditions.

24 (c) RENEWABLE BIOMASS.—

1 (1) SENSE OF CONGRESS.—It is the sense of
2 Congress that Congress should seek to establish a
3 consistent definition for the term “renewable bio-
4 mass”.

5 (2) RENEWABLE BIOMASS.—Section
6 211(o)(1)(I) of the Clean Air Act (42 U.S.C.
7 7545(o)(1)(I)) is amended—

8 (A) by redesignating clauses (v) through
9 (vii) as clauses (vi) through (viii), respectively;

10 (B) by inserting after clause (iv) the fol-
11 lowing:

12 “(v) Slash and precommercial sized
13 thinnings harvested—

14 “(I) in environmentally sustain-
15 able quantities, as determined by the
16 appropriate Federal land manager;
17 and

18 “(II) from National Forest Sys-
19 tem land or public land (as defined in
20 section 103 of the Federal Land Pol-
21 icy and Management Act of 1976 (43
22 U.S.C. 1702), other than—

23 “(aa) components of the Na-
24 tional Wilderness Preservation
25 System;

1 “(bb) wilderness study
2 areas;

3 “(cc) inventoried roadless
4 areas and all unroaded areas of
5 at least 5,000 acres;

6 “(dd) old growth stands;

7 “(ee) components of the Na-
8 tional Landscape Conservation
9 System; and

10 “(ff) national monuments.”;

11 and

12 (C) by striking clause (vi) (as redesignated
13 by subparagraph (A)) and inserting the fol-
14 lowing:

15 “(vi) Biomass obtained on land in any
16 ownership from the immediate vicinity of
17 any building, camp, or public infrastruc-
18 ture facility (including roads), at risk from
19 wildfire.”.

20 **SEC. 9. MONITORING.**

21 (a) IN GENERAL.—The Secretaries concerned shall
22 jointly, in consultation with the Committee on Energy and
23 Natural Resources of the Senate and the Committee on
24 Natural Resources of the House of Representatives, ap-
25 point a panel of independent scientists and forest experts

1 to conduct a 5-year review of the implementation of this
2 Act on moist forest sites and dry forest sites.

3 (b) COMPONENTS.—The review shall include—

4 (1) an assessment of the effects of the imple-
5 mentation of this Act on—

6 (A) qualitative improvements to forest
7 health, including improving resiliency and re-
8 storing plant composition, structure, and func-
9 tion;

10 (B) implementation of restoration projects;

11 (C) landscape scale planning efforts; and

12 (D) development of biomass utilization;

13 (2)(A) a recommendation of whether some of
14 the young managed forests within Late-successional
15 Reserves should be redesignated as Matrix land to
16 replace Matrix old growth and older mature forests
17 that are no longer subject to logging; and

18 (B) if it is determined that the redesignations
19 should occur, a recommendation for a process to se-
20 lect the land for redesignation and perform the re-
21 designation;

22 (3) a recommendation on whether greater flexi-
23 bility in treating forest stands over 80 years of age
24 in Late-successional Reserves can achieve substan-
25 tial ecological benefits; and

1 (4) recommendations on—

2 (A) the effect of the exclusion of Oregon
3 and California grant land from old growth and
4 older mature growth protections under this Act;
5 and

6 (B) whether the exclusion described in sub-
7 paragraph (A) should be continued.

8 (c) REPORT.—As soon as practicable after the com-
9 pletion of the review, the Secretaries concerned shall joint-
10 ly submit to the Committee on Energy and Natural Re-
11 sources of the Senate and the Committee on Natural Re-
12 sources of the House of Representatives a report describ-
13 ing the results of the review, including any recommenda-
14 tions.

15 **SEC. 10. LOCAL AND RURAL CONTRACTING.**

16 (a) STEWARDSHIP CONTRACTS.—

17 (1) IN GENERAL.—To carry out restoration
18 projects under this Act, the Secretaries concerned
19 shall, to the maximum extent practicable, through
20 agreements or contracts, enter into stewardship con-
21 tracting projects in accordance with section 347(a)
22 of the Department of the Interior and Related Agen-
23 cies Appropriations Act, 1999 (16 U.S.C. 2104 note;
24 Public Law 105–277).

1 (2) DURATION.—An agreement or contract
2 under paragraph (1) shall, to the maximum extent
3 practicable, be in effect for a period of 20 years,
4 with the option of adjustments after 10 years based
5 on defined benchmarks.

6 (3) REVENUE SHARING.—In the case of a stew-
7 ardship contracting project, the Forest Service and
8 the Bureau of Land Management shall provide a
9 percentage of the receipts from the agreement or
10 contract to States and counties in a manner that is
11 consistent with other provisions of law governing
12 Federal forest revenue sharing.

13 (4) PERFORMANCE AND PAYMENT GUARAN-
14 TEES.—The Secretaries concerned may require per-
15 formance and payment bonds as the Secretaries con-
16 cerned determine to be appropriate, the amounts of
17 which shall be reduced as the subject contractor
18 achieves benchmarks established by the Forest Serv-
19 ice and the Bureau of Land Management.

20 (5) PROCUREMENT PROCEDURE.—In selecting
21 a source for performance of an agreement or con-
22 tract under paragraph (1), the Secretaries concerned
23 shall—

24 (A) comply with section 347(c)(1) of the
25 Department of the Interior and Related Agen-

1 cies Appropriations Act, 1999 (16 U.S.C. 2104
2 note; Public Law 105–277);

3 (B) consider ecological and collaborative
4 factors; and

5 (C) give preference to local businesses lo-
6 cated within a 200-mile radius of a Forest
7 Service Forest or a Bureau of Land Manage-
8 ment District.

9 (b) SMALL LOG DIAMETER INCENTIVES.—

10 (1) IN GENERAL.—Subpart D of part IV of
11 subchapter A of chapter 1 of the Internal Revenue
12 Code of 1986 (relating to business related credits) is
13 amended by adding at the end the following new sec-
14 tion:

15 **“SEC. 45R. CREDIT FOR THE PURCHASE OF CERTAIN LOG-**
16 **GING EQUIPMENT.**

17 “(a) IN GENERAL.—For purposes of section 38, the
18 logging equipment credit determined under this section for
19 the taxable year is 35 percent of the qualified logging
20 equipment expenditures for the taxable year.

21 “(b) QUALIFIED LOGGING EQUIPMENT EXPENDI-
22 TURE.—For purposes of this section—

23 “(1) IN GENERAL.—The term ‘qualified logging
24 equipment expenditure’ means, with respect to any
25 taxable year, any amount paid or incurred during

1 such taxable year for the purchase of small log mill-
2 ing equipment and low-impact logging and hauling
3 equipment.

4 “(2) SMALL LOG MILLING EQUIPMENT.—The
5 term ‘small log milling equipment’ means any mill-
6 ing equipment that is capable of processing a log
7 that is 12 feet in length and that has a diameter of
8 4 inches at the smaller end of the log, and is not
9 capable of processing a log that has a diameter in
10 excess of 15 inches.

11 “(3) LOW-IMPACT LOGGING AND HAULING
12 EQUIPMENT.—The term ‘low-impact logging and
13 hauling equipment’ means any vehicular equipment
14 used for logging or hauling timber, that is certified
15 by the Secretary of Agriculture as being a model
16 that produces a ground pressure in the lowest 20
17 percent of equipment of the same class.

18 “(c) LIMITATIONS.—

19 “(1) LIMITATION BASED ON FEDERAL
20 SOURCE.—No credit shall be allowed under this sec-
21 tion with respect to any small log milling equipment
22 in any taxable year unless 65 percent or more of the
23 log materials processed by such equipment during
24 such taxable year originates from logging operations
25 which are conducted on—

1 “(A) lands managed by the National For-
2 est Service,

3 “(B) lands managed by the Bureau of
4 Land Management,

5 “(C) land owned by a State or political
6 subdivision thereof, or a tribe; or

7 “(D) tribal trust lands held by the United
8 States.

9 “(2) LIMITATION BASED ON PRODUCTIVITY PO-
10 TENTIAL.—No credit shall be allowed under this sec-
11 tion with respect to any low-impact logging and
12 hauling equipment in any taxable year unless the
13 use of such equipment during such taxable year by
14 the taxpayer leaves 90 percent or more of the activ-
15 ity area in a condition of acceptable productivity po-
16 tential for vegetation (measured by taking into ac-
17 count detrimental compaction, puddling, and dis-
18 placement), by minimizing or avoiding surface ero-
19 sion and soil mass wasting.

20 “(d) DENIAL OF DOUBLE BENEFIT.—For purposes
21 of this section—

22 “(1) REDUCTION IN BASIS.—If a credit is de-
23 termined under this section with respect to any
24 property by reason of any qualified logging equip-

1 ment expenditure, the basis of such property shall be
2 reduced by the amount of the credit so determined.

3 “(2) OTHER DEDUCTIONS AND CREDITS.—No
4 deduction or credit shall be allowed under any other
5 provision of this chapter with respect to the amount
6 of the credit determined under this section.

7 “(e) ELECTION NOT TO TAKE CREDIT.—This section
8 may not apply to a taxpayer for any taxable year if such
9 taxpayer elects to have this section not apply for such tax-
10 able year.”.

11 (c) CONFORMING AMENDMENTS.—

12 (1) Section 1016(a) of the Internal Revenue
13 Code of 1986 is amended by striking “and” at the
14 end of paragraph (36), by striking the period at the
15 end of paragraph (37) and inserting “, and”, and by
16 adding at the end the following:

17 “(38) in the case of equipment with respect to
18 which a credit was allowed under section 45R, to the
19 extent provided in section 45R(d)(1).”.

20 (2) Section 6501(m) of such Code is amended
21 by inserting “45R(e)” after “45H(g)”.

22 (d) CLERICAL AMENDMENT.—The table of sections
23 for subpart D of part IV of subchapter A of chapter 1
24 of such Code is amended by inserting at the end the fol-
25 lowing new item:

“Sec. 45R. Credit for the purchase of certain logging equipment.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to expenditures made after the
3 date of the enactment of this Act, in taxable years ending
4 after such date.

5 (f) FEDERAL CONTRACTING LABOR REQUIRE-
6 MENTS.—

7 (1) IN GENERAL.—Notwithstanding any other
8 law (including regulations), each laborer and me-
9 chanic employed by a contractor or subcontractor
10 during the performance of services associated with a
11 contract or subcontract authorized under this Act
12 shall be paid wages and benefits at rates not less
13 than those prevailing on projects of a similar char-
14 acter in the locality, as determined by the Secretary
15 of Labor in accordance with sections 3141 through
16 3144, 3146, and 3147 of title 40, United States
17 Code, without regard to the principal purpose of the
18 contract or subcontract.

19 (2) AUTHORITY OF SECRETARY OF LABOR.—
20 The Secretary of Labor shall, with respect to the
21 labor standards described in this subsection, have
22 the authority and functions set forth in Reorganiza-
23 tion Plan Numbered 14 of 1950 (5 U.S.C. App.)
24 and section 3145 of title 40, United States Code.

1 **SEC. 11. EXISTING TIMBER SALES CONTRACTS.**

2 (a) IN GENERAL.—In the case of a contract between
3 the Secretaries concerned and a contractor for the per-
4 formance of a timber sales contract that is in effect on
5 the date of enactment of this Act, the Secretaries con-
6 cerned shall permit the contractor—

7 (1) to carry out the contract in accordance with
8 this Act;

9 (2) to terminate the contract, in which case the
10 purchaser shall be reimbursed the bid price, bond,
11 and other federally required pre-harvest expendi-
12 tures, plus applicable interest, but not be entitled to
13 any profits that may be realized by the sale of tim-
14 ber on the open market or by changed market condi-
15 tions; or

16 (3) to exercise the remedies available under the
17 terms of the contract.

18 (b) EXCLUSIVE REMEDY.—The election of the con-
19 tractor under subsection (a) shall be the exclusive remedy
20 available to the contractor.

21 (c) ELECTION DEADLINE.—Not later than 120 days
22 after the date of enactment of this Act, a contractor shall
23 make the election described in subsection (a).

24 (d) IMPLEMENTATION DEADLINE.—Not later than
25 120 days after the election of a contractor for a contract

1 under subsection (a), the Secretaries concerned shall mod-
2 ify timber sales under the contract to reflect the election.

3 **SEC. 12. EFFECT.**

4 Nothing in this Act requires thinning or fuel treat-
5 ment projects in riparian reserves to be necessary for
6 aquatic protections.

7 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There is authorized to be appro-
9 priated \$50,000,000 to carry out this Act, to remain avail-
10 able until expended.

11 (b) RECEIPTS.—

12 (1) IN GENERAL.—Receipts from sales made
13 under projects authorized under this Act shall be re-
14 tained and used by the Secretaries concerned to con-
15 duct further planning and implementation of
16 projects under this Act, without further appropria-
17 tion or fiscal year limitation.

18 (2) OTHER RECEIPT LAWS.—Nothing in this
19 Act affects any other Federal law governing the dis-
20 position of receipts.